

Town of New Hartford, NY

Local Law Introductory 2 of 2022

A Local Law to amend the Town of New Hartford Zoning Code to address Adult Use Cannabis Retail Dispensaries.

BE IT ENACTED by the Town Board of the Town of New Hartford, Oneida County, State of New York as follows:

Section I. **Authorization**

The adoption of this Local Law is in accordance with Section 10 of New York Municipal Home Rule Law.

Section II. **Title and Purpose**

This law shall be known as and may be cited as Local Law 2 of 2022 to Amend the New Hartford Zoning Code to Address Adult Use Cannabis Retail Dispensaries, and its purpose is to address zoning for adult use cannabis retail dispensaries.

Section III. **Legislative Intent and Finding**

Given that New York State has recently adopted NY Cannabis Law addressing a variety of issues related to cannabis, including permitting the establishment of adult use cannabis retail dispensaries in local municipalities (subject to review and licensure by the newly established New York State Control Board), the Town Board finds that the Zoning Code of the Town of New Hartford should address the same.

Section IV. **Amendment**

Section 118-34 entitled Cannabis Retail Overlay Zone shall be added as follows:

118-34A Definitions: As identified in the NYS Cannabis Law, an establishment which involved the acquisition, possession, sale and delivery of cannabis to consumers, and licensed by NYS as a cannabis retail dispensary.

Cannabis Retail Dispensary Overlay District: Properties adjacent to Commercial Drive from its intersection with Henderson Street to its intersection with NYS Route 5 in the Town of New Hartford, except to the extent that any parcel in excess of 12,000 square feet in size shall be excluded.

Section 118-34B shall be added as follows:

So long as the Town does not have in place a local law calling for the prohibition of licensure of the same pursuant to Cannabis Law § 131 (i.e., an “opt out” law, which, if any, shall take precedence over and supersede the following), Cannabis Retail Dispensaries, shall be permitted, subject to obtaining a Special Use Permit. The fee for which shall be \$25,000.00.

Section V. **Validity and Severability**

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be

adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgement shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgement or order shall be rendered.

Section VI. **Repeal, Amendment and Supersession of Other Laws**

All other ordinance or local laws of the Town of New Hartford which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. **Effective Date**

This Local Law will be effective upon filing with the Secretary of New York State.